



State of West Virginia
Office of the Attorney General

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Attorney General

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**WRITTEN DETERMINATION REGARDING THE APPOINTMENT OF OUTSIDE
COUNSEL ON BEHALF OF THE NICHOLAS COUNTY SOLID WASTE AUTHORITY**

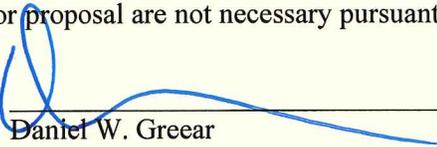
The Nicholas County Solid Waste Authority (hereafter "the Authority") has requested permission to reappoint their existing legal counsel, Mr. Stephen O. Callaghan of Callaghan & Callaghan, to serve throughout the pendency of the following litigation matters: (1) PSC Case Nos. 12-0318, 12-0414, and 12-0607; and, (2) *Nicholas County Solid Waste Authority v. Nicholas Sanitation* (Civil Action No. 12-C-76, Nicholas County Circuit Court).

Pursuant to West Virginia Code Section 22C-4-9, the Attorney General is authorized to "provide legal counsel and representation to each county and regional solid waste authority within the existing resources and appropriations available for such purposes" or provide "written approval" for the Authority to "employ counsel to represent it."

In accordance with the Attorney General's Policy on Outside Counsel (#WVAGO-004), the Office of the Attorney General has determined that it is both cost-effective and in the interest of the public to authorize the appointment of Mr. Stephen Callaghan as outside counsel to represent the Authority in the specific matters cited above, based on the following factors:

- Mr. Callaghan has served as counsel on the pending litigation matters since May 2012, and is readily accessible to continue providing such services.
- Mr. Callaghan is already knowledgeable of the pending legal matters, and can provide specialized legal services that are not currently available within the Office of the Attorney General.
- The time and labor required to bring either the Attorney General's office or additional counsel up to speed regarding the ongoing litigation matters makes it more cost-effective to continue Mr. Callaghan's appointment.
- The need for many of the legal services to be performed in Nicholas County makes Mr. Callaghan's appointment more cost-effective than the services that could be provided by the Office of the Attorney General from staff located in its Charleston divisions.

Because this matter involves the continuation of a previous legal appointment, and the renewal of Mr. Callaghan's legal services would necessarily avoid disrupting a pending legal matter, the Office of the Attorney General determines that requests for proposal are not necessary pursuant to section (D)(2) of Policy #WVAGO-004.


Daniel W. Greear
Chief Counsel

Date Signed: May 22, 2013